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FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

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|----------------------|------------------|
| Application Number | 09/834,369 |
| Filing Date | April 13, 2001 |
| First Named Inventor | Jerrold Franklin |
| Art Unit | 1745 |
| Examiner Name | Gregg Cantelmo |

Attorney Docket Number

109.04

ENCLOSURES (Check all that apply)

| | | |
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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|---------------------------|--------------------------|
| Firm or / Individual name | Daniel P. Maguire |
| Signature | <i>Daniel P. Maguire</i> |
| Date | July 6, 2004 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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| Typed or printed name | Daniel P. Maguire |
| Signature | <i>Daniel P. Maguire</i> |
| Date | July 6, 2004 |

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of Jerrold Franklin, et al.
Application No.: 09/834,389
Filed: April 13, 2001
For: Integrated and Modular BSP/MEA
Manifold Plates for Fuel Cell Use

Date: July 6, 2004
Group Art Unit: 1745
Examiner: Greg Cantelmo
Attorney Ref. No.: 109.04

Response to Office Action with After-Final Amendments

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

In response to the office action dated April 5, 2005, the applicants respectfully submit the following remarks and amendments.

Remarks

The applicants have now amended the claims to overcome the two obstacles to patentability that the examiner has identified.

First, the applicants have removed the statement in their claims that the bipolar separator plate (BSP) overlaps "a substantial portion of said flexible membrane electrode [MEA] assembly". The examiner had found that this limitation lacked support, in violation of 35 USC § 112, since the original specification did not depict the BSP overlapping the MEA. Without conceding the § 112 rejection, the applicants have amended their claims to remove this requirement.